

UNITED STATES DISTRICT COURT

DISTRICT OF MINNESOTA

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MYCHAEL ANTHONY ARMSTRONG-  
MORROW,

Civil No. 20-147 (JRT/KMM)

Plaintiff,

v.

**ORDER ON REPORT  
AND RECOMMENDATION**

CORRECTIONAL OFFICE COLE (MCF-ST  
CLOUD), et al,

Defendants.

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Mychael Anthony Armstrong-Morrow, OID #244519, MCF-Faribault, 1101 Linden Lane, Faribault, MN 55021, *pro se* plaintiff.

Leah M Tabbert, **MINNESOTA ATTORNEY GENERAL'S OFFICE**, 445 Minnesota Street, Suite 1100, Saint Paul, MN 55101, for defendant.

United States Magistrate Judge Katherine Menendez filed a Report and Recommendation on October 26, 2020. (ECF No. 29) No objections have been filed to that Report and Recommendation in the time period permitted. Based on the Report and Recommendation of the Magistrate Judge, on all of the files, records, and proceedings herein, the Court now makes and enters the following Order.

**IT IS HEREBY ORDERED** that

1. Officer Cole's motion to dismiss (**ECF No. 14**) is **GRANTED**;

2. The official-capacity damages claims against Officer Cole are **DISMISSED**  
**WITHOUT PREJUDICE** for lack of subject-matter jurisdiction; and
3. The individual-capacity claims against Officer Cole are **DISMISSED**, but  
plaintiff may file a motion to amend the complaint within 30 days of this  
Order.

Dated: January 11, 2021  
at Minneapolis, Minnesota

s/John R. Tunheim  
JOHN R. TUNHEIM  
Chief Judge  
United States District Court